

Environmental Protection Agency

§ 35.750

limitation shall not apply to funds allotted to Indian Tribes.

[53 FR 37409, Sept. 26, 1988]

§35.465 Indian Tribes.

(a) The Regional Administrator will not award initial section 1443(b) funds to an Indian Tribe unless:

(1) EPA has determined that the Indian Tribe meets the requirements of 40 CFR part 145 subpart E.

(2) The applicant has an Underground Water Source Protection program or agrees to establish one within four years of the initial award and agrees to assume primary enforcement responsibility within this period.

(b) The Regional Administrator shall not give a continuation award to any Indian Tribe unless the Tribe can demonstrate reasonable progress towards assuming primary enforcement responsibility within the four-year period.

(c) After the four-year period expires, the Regional Administrator shall not award section 1443(b) funds to an Indian Tribe unless the Tribe has assumed primary enforcement responsibility.

[53 FR 37409, Sept. 26, 1988, as amended at 59 FR 13817, Mar. 23, 1994]

HAZARDOUS WASTE MANAGEMENT (SECTION 3011)

§35.500 Purpose.

Section 3011(a) of the Solid Waste Disposal Act, as amended, authorizes assistance to States (as defined in section 1004 of the Act) for the development and implementation of authorized State hazardous waste management programs. Associated program regulations are found in 40 CFR parts 122, subparts A and B; 123, subparts A, B, and F; 124, subparts A and B; and 260-266.

§35.505 Maximum Federal share.

The Regional Administrator may provide up to seventy-five percent of the approved work program costs.

§35.510 Limitations.

The Regional Administrator will not award section 3011(a) funds in a State with interim or final hazardous waste authorization unless the applicant is

the lead agency designated in the authorization agreement.

PESTICIDE ENFORCEMENT (SECTION 23(A)(1))

§35.550 Purpose.

Section 23(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act authorizes assistance to States (as defined in section 2 of the Act) and Indian tribes to implement pesticide enforcement programs. Associated program regulations are found in 40 CFR parts 162, 165-167, 169-170, and 172-173 and 19 CFR part 12.

§35.555 Maximum Federal share.

The Regional Administrator may provide up to one hundred percent of the approved work program costs.

PESTICIDE APPLICATOR CERTIFICATION AND TRAINING (SECTION 23(A)(2))

§35.600 Purpose.

Section 23(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act authorizes assistance to States (as defined in section 2 of the Act) and Indian tribes to implement programs to train and certify applicants of restricted use pesticides. Associated program regulations are found in 40 CFR parts 162 and 170-171.

§35.605 Maximum Federal share.

The Regional Administrator may provide up to fifty percent of the approved work program costs.

NONPOINT SOURCE MANAGEMENT (SECTIONS 205(j)(5) AND 319(h))

§35.750 Purpose.

Sections 319 and 518 of the Clean Water Act authorize nonpoint source management assistance to States, including eligible Indian Tribes. Under section 319(h), grants may be awarded for the development of nonpoint source management programs, using funds reserved under section 205(j)(5) of the Act, and for the implementation of EPA-approved management programs using funds reserved under section 205(j)(5) or funds appropriated under section 319. Under section 319(i), grants may be awarded to carry out ground-